# Town Council Regular Meeting

September 30, 2025 @ 2:30 PM
Watch Live on YouTube

Seabrook Island Town Hall, Council Chambers
2001 Seabrook Island Road
Seabrook Island, SC 29455

# AGENDA

**CALL TO ORDER, PLEDGE OF ALLEGIANCE, ROLL CALL & FOIA STATEMENT**

**APPROVAL OF MINUTES**

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| **July 28, 2025** | Town Council Special Called Meeting |
| **August 6, 2025** | Town Council Pre-Budget Workshop |
| **August 26, 2025** | Town Council Regular Meeting |

**PUBLIC HEARING ITEMS** There are no Public Hearing Items

**PRESENTATIONS** Recognition of Heather Paton

**CITIZEN COMMENTS** *During the first citizen comment period, any citizen may speak pertaining to any item listed on the meeting agenda which does not require a public hearing. Each speaker shall be limited to three minutes in which to make his or her comments. Town council shall allow no more than 30 minutes for citizen comments. Preference shall be given to individuals who have signed up or otherwise notified the town clerk/treasurer of a desire to speak prior to the start of the meeting.*

**REPORTS OF TOWN BOARDS, COMMISSIONS AND COMMITTEES**

**Advisory Committees** Community Promotions & Engagement Committee (Bruce Kleinman)

Environment & Wildlife Committee (Gordon Weis)

Public Safety Committee (Dan Kortvelesy)

**Utility Commission** Seabrook Island Utility Commission

**REPORTS OF TOWN OFFICERS & STAFF**

**Mayor's Report** Report of the Mayor

- Bohicket Marina Status

**Staff Reports** Report of the Town Administrator

- Finance Director Update
- FY 2026 Budget Update

- Off-Peak Beach Rules (Effective October 1, 2025)

Report of the Town Clerk/Treasurer

- August 2025 Financials

Report of the Zoning Administrator

- Monthly Code Enforcement Report
- Monthly Permit Activity Report

Report of the Communication & Events Manager

- Shred Day, October 8, 2025

**ORDINANCES FOR SECOND READING**

There are no Ordinances for Second Reading

**ORDINANCES FOR FIRST READING**

**Ordinance 2025-06** An ordinance amending the town code for the Town of Seabrook Island; Chapter 8, Businesses and Business Regulations; Article I, Business License; Section 8-21, Classification and Rates; so as to amend the business license rate class schedule as required by Act 176 of 2020

**Ordinance 2025-07** An ordinance amending the town code for the Town of Seabrook Island so as to adopt and codify an annexation policy for the Town of Seabrook Island; and amending Chapter 2, Administration; Article I, In General; Section 2-103, Corporate Limits; so as to provide reference to the annexation policy for the Town of Seabrook Island

**OTHER ACTION ITEMS** There are no Other Action Items

**ITEMS FOR INFORMATION/DISCUSSION**

There are no Items for Information/Discussion

**CITIZEN COMMENTS** *During the second citizen comment period, any citizen may speak pertaining to any town matter, except personnel matters. Each speaker shall be limited to three minutes in which to make his or her comments. Town council shall allow no more than 30 minutes for citizen comments. Preference shall be given to individuals who have signed up or otherwise notified the town clerk/treasurer of a desire to speak prior to the start of the meeting.*

**COUNCIL COMMENTS**

**ADJOURNMENT**

# Town Council Special Called Meeting

July 28, 2025 @ 1:30 PM
View Meeting on YouTube

Seabrook Island Town Hall, Council Chambers
2001 Seabrook Island Road
Seabrook Island, SC 29455

## MINUTES

**CALL TO ORDER**

Mayor Kleinman called the meeting to order at 1:30 pm.

**ROLL CALL**

**Councilmembers Present:** Mayor Bruce Kleinman, Councilmembers Dan Kortvelesy, Darryl May, Gordon Weis, and Raymond Hamilton.

**Town Staff Present:** Joe Cronin (Town Administrator) and Peter Wiggins (Clerk/Treasurer).

**FOIA STATEMENT**

The Clerk/Treasurer confirmed that the meeting was advertised in compliance with the requirements of the South Carolina Freedom of Information Act. Agendas were posted and furnished to news media and all others requesting notification.

**ITEMS FOR INFORMATION/DISCUSSION**

**Discussion of Draft Annexation Ordinance**

Mr. Cronin reminded the council that developing a plan for how the town might consider a request for annexation was in the council's strategic priorities for 2025. Mr. Cronin stated that before work goes into drafting a property annexation ordinance, it would be beneficial to convene a meeting of council to gauge what the council thinks the policy of the town should be generally for annexation requests. He stated it was for this purpose a special called meeting of the town council has been convened.

Councilman Weis asked Mr. Cronin why the town wouldn't only seek annexation of properties where the owner would want to be annexed into the town.

Mr. Cronin stated that is what is currently in the draft ordinance. He stated there are other methods of annexation, particularly a method found in state statute that would allow for annexation, provided more than 75% of property owners approve of the annexation. He stated using this method, the town could potentially annex property, whose owners do not consent to being annexed. Mr. Cronin stated that before he started work on the draft ordinance, it was his assumption

that the policy of the council would be to not annex a property owner that does not consent to be part of the town.

Councilman Kortvelesy stated his concern was the parcel between town hall and Seafields. He stated it is zoned to contain four homes per acre, it is within the Urban Growth Boundary (UGB), and it may be worth considering annexation of that property. He further stated his concern that the town was locking itself into something that couldn't be remedied in the future.

Mayor Kleinman reminded Councilman Kortvelesy that the draft ordinance is not a formal statement of policy and that as the ordinance is drafted, his concerns can be addressed.

Councilman Hamilton asked if the town were to purchase property, would that property automatically be annexed.

Mr. Cronin stated the property would still need to be formally annexed.

The town's attorney, Mac McQuillin reminded the council that if the council passed the proposed annexation ordinance in its current form, a future council could amend the ordinance if there were future annexation applicants that had problems with policies found in the ordinance. He further stated that other municipalities differ from the proposed ordinance. He stated the Town of Awendaw has no formal annexation policy, and the Town of Kiawah Island has a policy that has been adopted via resolution rather than Seabrook Island's proposed ordinance.

Councilman Weis asked if a property owner applied for annexation, could the town request certain items as a condition to the council considering the annexation request.

Mr. McQuillin stated the town could request certain things as a condition for consideration. He stated with the proposed ordinance in place, it requires the applicant to do more work on the front end, so the council has all the information they need before considering an annexation request.

Mayor Kleinman asked rhetorically if an annexation policy should be easy to change, which would require the policy be less formal and create a less transparent process, or should it be more difficult to change but provide for more process transparency.

Mr. Cronin stated that of the three options discussed (having no annexation policy, passing an annexation policy as an ordinance, passing an annexation policy as a resolution), doing nothing will

require the most work for staff. He further stated that the benefit of passing an annexation policy will be that it will provide more predictability for future applicants.

Councilman Kortvelesy asked if the annexation process will be initiated by the property owner or the Town of Seabrook Island.

Mr. McQuillin stated the town would initiate the annexation process under two scenarios. He stated the first scenario is the 75% annexation method provided for in state statute, and via eminent domain where the town purchases property that is already contiguous with property inside the town limits.

Mr. Cronin stated that the draft ordinance gives the town the power to tell potential applicants that if they want town services, they must be annexed into the town. He stated that although the town would not be initiating the annexation process, they can still influence a potential applicant's decision on whether to consider annexation.

Councilman May stated he would like to see the ordinance provide for a change in zoning for annexed property based on compelling circumstances. He went on to ask who might have standing within the town to challenge an annexation.

Mr. McQuillin stated the legal question is can the town allow more individuals to challenge an annexation beyond what is already allowed in state statute.

Councilman Hamilton stated there has been discussion related to the assigned zoning at the time of annexation. He asked if future councils retain their rights to assign zoning classifications.

Mr. McQuillin stated that assigning zoning classifications is a discretionary function of council.

Paul McLaughlin, a resident of Seabrook Island, asked how many properties are contiguous with the Town of Seabrook Island that are in unincorporated Charleston County.

Mayor Kleinman stated that practically speaking, the number of properties that are contiguous is extremely limited.

Mr. McQuillin, in response to Mr. McLaughlin's comments, stated that typically, for councils that are taking up first reading of property annexation, the council will vote on the annexation, immediately followed by a vote on a zoning designation. He stated that it could also be appropriate to not consider a zoning designation until the property is fully annexed into the town.

Mr. Cronin stated that in the event a property is not assigned a zoning designation upon annexation, the town's Development Standards Ordinance defaults to a Single-Family Residential classification.

**ADJOURNMENT**

There being no further discussion, Mayor Kleinman declared the meeting adjourned at 2:29 pm.

Peter D. Wiggins II, MPA
Clerk of the Council

# Town Council Pre-Budget Workshop

August 6, 2025 @ 9:00 AM
View Meeting on YouTube

Seabrook Island Town Hall, Council Chambers
2001 Seabrook Island Road
Seabrook Island, SC 29455

## MINUTES

**CALL TO ORDER**

Mayor Kleinman called the meeting to order at 9:03 am.

**ROLL CALL**

**Councilmembers Present:** Mayor Bruce Kleinman, Councilmembers Dan Kortvelesy, Darryl May, Gordon Weis, and Raymond Hamilton.

**Town Staff Present:** Joe Cronin (Town Administrator) and Peter Wiggins (Clerk/Treasurer).

**FOIA STATEMENT**

The Clerk/Treasurer confirmed that the meeting was advertised in compliance with the requirements of the South Carolina Freedom of Information Act. Agendas were posted and furnished to news media and all others requesting notification.

**PRESENTATIONS**

**FY2024 Audit**

Kellan Shuford of Mauldin & Jenkins presented the firm's audit of the Town of Seabrook Island's financial statements for the fiscal year ending December 31, 2024.

Mr. Shuford stated his firm was issuing a clean opinion of the town's prepared financial statements for FY 2024, which is the highest level of assurance Mauldin & Jenkins can give. He further stated from a compliance perspective, his firm found no material weaknesses or deficiencies on the part of the town.

Councilman Hamilton asked if he could receive a copy of any adjustments that were made to the financial statements.

Mr. Shuford stated the only adjustment that was made was an accrual of a 4$^{th}$-quarter State Aid to Subdivisions payment made to the town of approximately $13,000.

Councilman Hamilton asked if Mauldin & Jenkins had been auditing the town's liabilities related to sick and vacation leave unused by staff.

Mr. Shuford stated the new standard to which Councilman Hamilton was referring, requires the town to reflect the unused leave as a liability. He stated that in the past, that liability was not materially important. He stated the town will reflect that as a liability moving forward and will be audited by Mauldin & Jenkins in future audits.

Councilman Hamilton questioned the amount of capital expenditures of $1.9 million in FY 2024.

Mr. Shuford stated the wording in the audit should be tweaked. He stated the $1.9 million was the total value of capital assets owned by the town. He stated capital investments in FY 2024 totaled approximately $226,000.

Councilman Hamilton asked how the Subscription Based Information Technology Arrangements (SBITA) were being amortized.

Mr. Shuford stated the total was being amortized based on the length of the contract. He stated the only SBITA the town has is with their licensing and permitting software provider. He stated the term of the contract is two years.

Mr. Cronin stated he wanted to make a clear distinction between the balance in the general fund and the various restricted funds. He stated that as the council moves through the budget for FY 2026, balances referred to in the audit presentation may differ from what is presented as part of budget discussions.

Mayor Kleinman asked how the town's liability to the state pension fund is calculated.

Mr. Shuford stated this number comes directly from the Public Employee Benefit Authority (PEBA). He stated this number is calculated based on a percentage of what the town is paying PEBA.

Mayor Kleinman asked what would have to happen for the town to make good on that liability.

Mr. Shuford stated, "probably nothing". He stated this number was first calculated in 2015.

## ITEMS FOR INFORMATION/DISCUSSION

**Budget Calendar**

Mr. Cronin stated that public hearings related to the budget will be advertised before the end of November. He stated first reading is scheduled for the November 18 council meeting, with second reading scheduled for December 16.

**Review of Fund Balances**

Mr. Cronin presented current and projected fund balances for FY 2024 and FY 2025. He stated that he is projecting that for all funds combined, at the end of FY 2025, the combined fund balance will be approximately $12,000,000.

Councilman Hamilton asked if there was a fund that had a time restriction on spending funds.

Mr. Cronin stated that state accommodations tax funds need to be spent within two years of the town receiving funds.

**Initial Revenue Projections for FY2026**

Mr. Cronin provided an initial revenue projection for FY 2026.

Councilman May asked if Mr. Cronin had a projection for revenues for FY 2025.

Mr. Cronin stated he didn't have an exact number but stated that he was confident that actual revenue will exceed budgeted revenue.

**FY2026 Budget Priorities**

Mr. Cronin presented items that will have an impact on the FY 2026 budget.

Following a discussion related to the town providing its own building permitting and inspection services, Mayor Kleinman reminded the council that everyone on council has heard that the level of service that Charleston County Building Inspections is able to provide Seabrookers is not adequate. He stated that the decision to bring inspections in-house should not be based solely on the town saving residents money, but a larger factor of the town being able to provide a much greater level of service.

Councilman May stated that even if the service was adequate, contractors must travel to North Charleston to obtain permits, and in the end, someone pays for that one hour each way to North Charleston. He went on to state that the council should look into contracting with a third party to provide building inspection services.

Councilman Kortvelesy stated that the wait times that contractors experience are a mixture of different factors and that this issue requires more conversation.

Councilman Hamilton asked if the town could contract with the Town of Kiawah Island for building inspection services considering they already provide those services to their town. He went on to state that if the town could bring these services in house the town could increase the level of service and provide for a more convenient process.

Mr. Cronin reminded the council that there is not a right or wrong way to approach bringing this service in house, but rather there is a bigger policy decision to be made, and that policy question is, does the town want to take building inspections over from Charleston County.

Mayor Kleinman asked Mr. Cronin if it was feasible to incorporate the initial costs of bringing this service in-house in the mayor's draft FY 2026 budget.

Mr. Cronin stated that the position of Building Official could be advertised now, task them with setting up an inspections department, and start operations in 2026.

Mayor Kleinman stated that it would be best not to spend too much time on the building inspections issue. He stated that as Mr. Cronin moves through the rest of the budget, the council may incur significant expenses as part of the FY 2026 budget. He stated the council may be forced to prioritize several different items in the coming budget year.

Councilman Kortvelesy asked if a new Public Safety Director would replace the town's current public safety consultant.

Mr. Cronin stated a new director would not replace the town's consultant. He stated the town could place Beach Patrol under the new director, as well as the town's code enforcement officers.

Councilman Kortvelesy stated it was his wish that a Public Safety Director would not be over code enforcement, as he doesn't want a Public Safety Director counting garbage cans. He stated it was his opinion that there would be enough for this new director to do. He further asked, because the town is in the middle of a classification and compensation study, when might the council see an estimate for how much the town will need to pay a new Building Inspections and Public Safety Director.

Mr. Cronin stated that he would have an idea on what those salaries would need to be by the first reading of the FY 2026 budget.

Councilman May stated it was difficult for him to get his head around what a new Public Safety Director would do all day. He stated it was his assumption that the rest of staff are pretty busy. He further stated that if this person was not actively engaged in code enforcement, it isn't clear what this person would be doing to keep them busy. He closed by saying if he were asked to prioritize a building inspection or a public safety director, he would have to prioritize a building inspector.

Councilman Kortvelesy stated he hears what Councilman May is saying with regards to a Public Safety Director. However, he stated the town needs someone to identify new debris disposal locations, organize DRC meetings, and generally handle the minutiae to prepare the town for natural disasters.

Moving to other budget priorities, Mr. Cronin reminded the council that 2026 will be a contract year for Beach Patrol. He stated he is including an increase in the contract for beach safety services.

Councilman Hamilton stated that it was up to the bidder to justify any sizeable increases in their bids from one contract period to the next. He stated it would take a lot of justification for a 40% - 50% increase from one contract period to the next. He stated if they couldn't justify it, he would look at other alternatives such as the town using lifeguards.

Councilman May asked from where the 40% number is coming.

Mr. Cronin stated that if the town wants to continue a similar level of service, the town cannot input the same cost into the budget that the town has used for the last five years. Mr. Cronin reminded the council that if the bids come in higher, they can always change the level of service such as shortening the season and shortening or eliminating certain days of the week.

Councilman May asked if there was an escalation clause in the current beach safety contract that would allow the vendor to increase the cost of the contract year-over-year.

Mr. Cronin stated the contract does not have an escalation clause.

Moving on, Mr. Cronin stated there had been no progress on the rewrite of the Comprehensive Emergency Plan. He stated this cost is being carried over to the FY 2026 budget.

He stated the town's contract with their IT provider is at the end of its lifespan. He stated some of the computers currently being used will not be supported after the migration to the new Windows Operating System. He stated staff are working on a new IT contract that will hopefully be in place this year.

Mr. Cronin stated as part of the Marshfront Management Plan, the town had discussed a marshfront critical line survey. He stated he is including the cost of a surveyor in the draft budget.

Mr. Cronin stated that once the new Finance Director is in place, he is going to ask them to look into new budgeting and HR/Payroll

software. He said this cost will also include fleet tracking software and STR compliance monitoring software.

Mr. Cronin stated that capital expenditures that could be included in the draft budget are for new beach rules signage, relocation of Captain Sam's Inlet, Seabrook Island Road improvements, increasing the capacity of town hall, and new vehicle purchases.

Councilman Kortvelesy asked if SIPOA has approached the town about SIPOA not having the funds to complete relocation of the inlet.

Mr. Cronin stated he has had conversations with them about the schedule of relocating the inlet but not related to financing. He stated the town could elect to institute a Beach Preservation Fee that could be used in financing the relocation of the inlet. He stated that potential revenue generated by the fee is not on the draft budget, simply because instituting a new fee would require a referendum.

Councilman Kortvelesy asked if drainage near the Seafields construction site is addressed in the Seabrook Island Road improvements project.

Mr. Cronin stated that drainage will be addressed as part of the project. He further stated that new drainage included as part of the Seafields construction is not complete and will hopefully improve runoff from the site.

Councilman May asked if bids came in above what the town has put aside for the project, what will be the town's options.

Mr. Cronin stated the town could borrow or take funds from other sources. He stated that the town has applied for funding through Charleston County's Transportation Sales Tax program, but their application had not been approved.

Councilman Kortvelesy asked if the pods that are behind town hall is part of the capacity issue. He continued by saying that the pods were unsightly.

Mr. Cronin stated yes, the pods were never meant to be a permanent solution. He stated that the capacity for the town to conduct operations is included in the town hall capacity issue. Mr. Cronin closed by saying the town is beyond, over capacity.

Councilman Hamilton stated that the town has two capital improvement projects scheduled for 2026. Councilman Hamilton asked what committee those projects may fall under.

Mr. Cronin stated those used to fall under the Public Works Committee but stated that committee was discontinued. He stated these projects could fall under an *ad hoc* committee.

Councilman Hamilton stated his priorities are the road project and the town hall capacity issue.

Councilman May stated his priority is bringing the building inspection function in house. He further stated that the town hall capacity issue should be looked at holistically along with the storage issue. He closed by stating he thought it was important for the town to continue with the same level of beach safety service as they have in the past.

Mr. Cronin reminded the council a budget item that had been discussed in the past is contracting with off-duty deputies to increase patrols on Seabrook Island.

Councilman Hamilton stated his preference would be for the draft budget to include the town contracting with an off-duty officer during the busy time of the year. He said this addition could serve as a discussion point, and if necessary, the council could remove the cost before passage.

**ADJOURNMENT**

There being no further discussion, Mayor Kleinman declared the meeting adjourned at 11:46 am.

Peter D. Wiggins II, MPA
Clerk of the Council

# Town Council Regular Meeting

August 26, 2025 @ 2:30 PM
View Meeting on YouTube

Seabrook Island Town Hall, Council Chambers
2001 Seabrook Island Road
Seabrook Island, SC 29455

## MINUTES

**CALL TO ORDER**

Mayor Kleinman called the meeting to order at 2:32 pm

**ROLL CALL**

**Councilmembers Present:** Mayor Bruce Kleinman, Councilmembers Darryl May, Gordon Weis, and Raymond Hamilton.

**Town Staff Present:** Joe Cronin (Town Administrator), Tyler Newman (Zoning Administrator), Abby Grooms (Communications & Events Coordinator), and Peter Wiggins (Clerk/Treasurer).

**FOIA STATEMENT**

The Clerk/Treasurer confirmed that the meeting was advertised in compliance with the requirements of the South Carolina Freedom of Information Act. Agendas were posted and furnished to news media and all others requesting notification.

**APPROVAL OF MINUTES**

**July 22, 2025**

Councilman Weis motioned to approve the minutes of July 22, 2025, seconded by Councilman Hamilton.

Councilman Weis' motion was approved UNANIMOUSLY.

**PRESENTATIONS**

**Master Plan Update: Karen Nuttall**

Karen Nutall provided the council with an update on the Seabrook Island Masterplan.

Councilman Hamilton stated he wanted to remind everyone that the concepts presented by Ms. Nutall came from Seabrook Island residents. He went on to state that unfortunately, town hall cannot be behind the gate due to the requirement that government facilities be open to the public. However, he stated that this gives Seabrookers a huge opportunity to develop the North Campus in partnership with the Town of Seabrook Island.

Mayor Kleinman stated the town's financial contribution to the Masterplan thus far is approximately $19,000. He stated the town has reserved a maximum of $25,000 to contribute towards the plan.

## REPORTS OF BOARDS, COMMISSIONS, AND COMMITTEES

**Community Promotions & Engagement Committee**

Lauren Cunningham of St. Christopher Camp and Conference Center gave a summary of their plans for the grant funding if awarded. She stated the grant funds would go toward purchasing a rain barrel to be given away at a future workshop to be held at the camp.

Mayor Kleinman asked if the balance of grant funds left in the CPEC grant budget is enough to use productively.

Ms. Cunningham stated the camp will be able to use the last $230.00 productively and the camp plans to continue the education program in 2026.

Councilman Weis motioned to approve the grant request, seconded by Councilman Hamilton.

Councilman Weis' motion was approved UNANIMOUSLY.

**Environment & Wildlife Committee**

Ms. Cunningham gave a summary of the plans to install bee hives on the grounds of Camp St. Christopher. She stated the camp has requested $2,430.00 that will be used in the construction of a pollinator garden and associated curriculum.

Councilman Weis motioned to approve the grant request, seconded by Councilman May.

Councilman Weis' motion was approved UNANIMOUSLY.

Susan Leggett of the Seabrook Island Greenspace Conservancy gave a summary of the group's plans for the grant funds, if awarded.

Mayor Kleinman motioned to approve the grant request, seconded by Councilman Weis.

Mayor Kleinman's motion was approved UNANIMOUSLY.

**Public Safety Committee**

In Councilman Kortvelesy's absence, Mr. Cronin provided a report of the recent Public Safety Committee meeting. He stated the committee continues to discuss LSV safety on the public portion of Seabrook Island Rd.

**Utility Commission**

Jim Ferland gave an update on the finances of the Seabrook Island Utility Commission through July 31, 2024.

Mr. Ferland stated that all work on the water tower as it relates to the utility commission is complete. He stated that the cellular service

providers are in the process of moving their equipment back to the water tower.

Mr. Ferland stated the pond project is going smoothly and is scheduled for completion this fall.

Councilman May asked if the recent rains have hampered the various projects the commission is undertaking.

Mr. Ferland stated that the rains have hampered some of the projects. He stated when rainwater covers roads, the standing water can get through manhole covers and into the commission's sewer lines, resulting in increased flow. He stated once the pond project is completed and the pond is deepened, the pond will be able to hold increased, treated effluent.

## REPORTS OF TOWN OFFICERS & STAFF

**Mayor's Report**

Mayor Kleinman informed council he had sent certified letters to property owners of parcels that border Seabrook Island's town limits. He stated that staff hope to begin the Seabrook Island Road improvement project soon. He stated there will need to be some interaction with the owners of properties near the road. He stated he wanted council and residents to know what was included in the communication.

**Town Administrator**

Mr. Cronin stated that the public hearing component of the Seabrook Island Road project had been completed. He stated two items that were reported out of the hearing were comments from the SCDNR stating that road drainage would affect 1/10 of an acre of neighboring marshland. The South Carolina Department of Environmental Services notified the town that this would require the town mitigate that effect to the marsh directly, or purchase mitigation credits. Mr. Cronin stated the project consultant has been asked to revise the project so that effect to the marsh can be diminished to less than 1/10 of an acre. Mr. Cronin stated the second item to be reported out of the hearing was a comment from the SCDNR related to Diamondback Terrapin turtles that are known to nest in the area of Seabrook Island Road. Mr. Cronin stated the town has 180 days to respond to the hearing items.

Mr. Cronin stated the first round of interviews are complete for the position of Finance Director. He stated he will be moving a few applicants forward to the next round of interviews. He stated he hoped the town could make an offer by early September.

Mr. Cronin stated the State Accommodations Tax Committee had met as part of the FY 2026 budget process. He stated the committee had finalized their recommendations and the draft budget will reflect those recommendations.

Mr. Cronin reminded council that town hall will be closed on Friday, August 29 for HVAC repairs.

Councilman May asked if staff are working on a property annexation ordinance.

Mr. Cronin stated the draft ordinance is almost finished. He said he needs to have a few more conversations with the mayor and the town attorney before presenting it to council.

**Clerk/Treasurer**

Mr. Wiggins gave an update on the town's finances through July 31, 2025.

Councilman Hamilton asked for an update on fund balances for the road project, town facilities, and general fund.

Mr. Cronin stated as of the end of July, the town had approximately $4.7 million in the general fund, approximately $2.4 million in the town facilities fund, and approximately $1.9 million in the Seabrook Island Road fund.

Councilman May asked when the town would have an idea on the cost of the Seabrook Island Road project.

Mr. Cronin stated the town could get an estimate at any time. However, he stated that they wouldn't have a firm number for the project until the project goes out for bid.

**Zoning Administrator**

Mr. Newman gave an update on zoning and code enforcement activities since the last council meeting.

## OTHER ACTION ITEMS

**FY 2025 SATAX Funding Application**

Mr. Wiggins reported to council that a request for SATAX funding the town received from the Alan Fleming Tennis Tournament in 2024 for FY 2025 funding needed to be amended due to a change in the title sponsor of the tournament.

Mr. Wiggins stated that at the time tournament organizers applied for funding, the tournament was organized under the finances of the Seabrook Island Employee Assistance Fund. He stated that earlier in 2025, the tournament was reorganized under the finances of the Seabrook Island Club. He stated that when the tournament applies to be reimbursed for the 2025 tournament, the town will need to reimburse the Seabrook Island Club rather than the Employee Assistance Fund. He stated it was for this reason he was asking unanimous consent for a letter from tournament organizers serve as the SATAX application amendment.

Mayor Kleinman motioned to approve the request, seconded by Councilman Weis.

Mayor Kleinman's motion was approved UNANIMOUSLY.

**COUNCIL COMMENTS**

**Councilman Hamilton**

Councilman Hamilton asked for an update on the cellular phone service group.

Councilman May stated the group had met a couple of times. He stated the group has heard from a resident of the island who is in the business of building cell towers. He stated the group has seen studies on service on Seabrook Island and it was clear that service is poorer the further away you get from the water tower. He stated the question that was asked is if the updates to the water tower would increase service. He stated the experts have said residents would not see an increase in service such that this would not be an issue any longer.

Councilman May stated the group has discussed micro towers, but that option was not feasible on Seabrook Island due to the absence of light/electrical poles.

Councilman May said the issue is going to came down to placement of new cell towers and what residents think of the erection of new cell towers. He closed by saying residents will have an opportunity to be heard.

**ADJOURNMENT**

There being no further discussion, Mayor Kleinman declared the meeting adjourned at 3:47 pm.

Peter D. Wiggins II, MPA
Clerk of the Council

**TOWN OF SEABROOK ISLAND**

**ORDINANCE NO. 2025-06**

**ADOPTED _____**

**AN ORDINANCE AMENDING THE TOWN CODE FOR THE TOWN OF SEABROOK ISLAND; CHAPTER 8, BUSINESSES AND BUSINESS REGULATIONS; ARTICLE I, BUSINESS LICENSE; SECTION 8-21, CLASSIFICATION AND RATES; SO AS TO AMEND THE BUSINESS LICENSE RATE CLASS SCHEDULE AS REQUIRED BY ACT 176 OF 2020**

**WHEREAS**, the Town of Seabrook Island (the "Town") is authorized by S.C. Code Section 5-7-30 and Title 6, Chapter 1, Article 3, to impose a business license tax on gross income; and

**WHEREAS**, by Act No. 176 of 2020, known as the South Carolina Business License Tax Standardization Act and codified at S.C. Code Sections 6-1-400 to -420 (the "Standardization Act"), the South Carolina General Assembly imposed additional requirements and conditions on the administration of business license taxes; and

**WHEREAS**, following the enactment of the Standardization Act, and in order to comply with the requirements of the Standardization Act, the Mayor and Council of the Town (the "Town Council") enacted Ordinance No. 2021-15 on December 14, 2021, which ordinance has been codified in Chapter 8, Article 1, of the Town Code (the "Town Business License Ordinance"); and

**WHEREAS**, the Town Business License Ordinance was subsequently amended by Ordinance No. 2023-12 (adopted November 28, 2023) and Ordinance No. 2024-08 (adopted December 17, 2024); and

**WHEREAS**, the Standardization Act requires that by December 31st of each odd-numbered year, each municipality levying a business license tax must adopt, by ordinance, the latest Standardized Business License Class Schedule as recommended by the Municipal Association of South Carolina (the "Association") and adopted by the Director of the Revenue and Fiscal Affairs Office; and

**WHEREAS**, the Town Council now wishes to amend the Town Business License Ordinance to adopt the latest Standardized Business License Class Schedule, as required by the Standardization Act;

**NOW, THEREFORE,** pursuant to the authority granted by the Constitution and the General Assembly of the State of South Carolina, **BE IT ORDAINED BY THE MAYOR AND COUNCIL FOR THE TOWN OF SEABROOK ISLAND:**

**SECTION 1. Amending Chapter 8 of the Town Code**. The Town Code for the Town of Seabrook Island, Chapter 8, Businesses and Business Regulations; Article 1, Business License; Section 8-21, Classification and Rates; is hereby amended to read as follows:

**Sec. 8-21. Classification and Rates.**

(a) The business license tax for each class of businesses subject to this article shall be computed in accordance with the current Business License Rate Schedule, designated as Appendix A to this article, which may be amended from time to time by the Council.

(b) The current Business License Class Schedule is attached hereto as Appendix B. Hereafter, no later than December 31 of each odd year, the Town shall adopt, by ordinance, the latest standardized Business License Class Schedule as recommended by the Municipal Association of South Carolina and adopted by the Director of the South Carolina Revenue and Fiscal Affairs Office. Upon adoption by the Town, the revised Business License Class Schedule shall then be appended to this article as a replacement Appendix B.

(c) The classifications included in each rate class are listed with NAICS codes, by sector, sub-sector, group, or industry. The Business License Class Schedule (Appendix B) is a tool for classification and not a limitation on businesses subject to a business license tax. The classification in the most recent version of the Business License Class Schedule adopted by the Council that most specifically identifies the subject business shall be applied to the business. The license official shall have the authority to make the determination of the classification most specifically applicable to a subject business.

(d) A copy of the class schedule and rate schedule shall be filed in the office of the Town Clerk.

## APPENDIX A

**BUSINESS LICENSE RATE SCHEDULE**

| Rate Class | Income: $0 – $2,000<br>Base Rate | Income Over $2,000<br>Rate Per $1,000 or Fraction Thereof |
|---|---|---|
| 1 | $ 35.00 | $ 1.45 |
| 2 | $ 40.00 | $ 1.65 |
| 3 | $ 45.00 | $ 1.85 |
| 4 | $ 55.00 | $ 2.05 |
| 5 | $ 60.00 | $ 2.25 |
| 6 | $ 65.00 | $ 2.50 |
| 7 | $ 70.00 | $ 2.70 |
| 8 | See individual businesses in Class 8 listed below | |
| 9 | See individual businesses in Class 9 listed below | |

### NON-RESIDENT RATES

Unless otherwise specifically provided elsewhere in this article, all taxes and rates specified herein shall be doubled for nonresidents and itinerants having no fixed principal place of business within the Town.

### CLASS 8 RATES

Each NAICS number designates a separate subclassification. The businesses in this section are treated as separate and individual subclasses due to provisions of state law, regulatory requirements, service burdens, tax equalization considerations, and other factors that are deemed sufficient to require individually determined rates. In accordance with state law, the

Town also may provide for reasonable subclassifications for rates, described by an NAICS sector, subsector, or industry, that are based on particularized considerations as needed for economic stimulus or for the enhanced or disproportionate demands on municipal services or infrastructure.

Non-resident rates do not apply except where indicated.

**8.1. <u>NAICS 23 – Construction.</u>** *[Contractors, Construction, All Types]*

Resident rates, for contractors having a permanent place of business within the Town:

| | |
|---|---|
| Minimum on first $2,000 | $ 55.00 PLUS |
| Each additional $1,000 | $ 1.80 |

Non-resident rates apply to contractors that do not have a permanent place of business within the Town. A trailer at the construction site or structure in which the contractor temporarily resides is not a permanent place of business under this article.

No contractor shall be issued a business license until all state and municipal qualification examination and trade license requirements have been met. Each contractor shall post a sign in plain view on each job identifying the contractor with the job.

Sub-contractors shall be licensed on the same basis as general or prime contractors for the same job. No deductions shall be made by a general or prime contractor for value of work performed by a sub-contractor.

No contractor shall be issued a business license until all performance and indemnity bonds required by the Building Code have been filed and approved. Zoning permits must be obtained when required by the Development Standards Ordinance.

Each prime contractor shall file with the License Official a list of sub-contractors furnishing labor or materials for each project.

For licenses issued on a per-job basis, the total tax for the full amount of the contract shall be paid prior to commencement of work and shall entitle the contractor to complete the job without regard to the normal license expiration date. An amended report shall be filed for each new job and the appropriate additional license fee per $1,000 of the contract amount shall be paid prior to commencement of new work. Only one base tax shall be paid in a license year. Licensees holding a per-job license shall file, by each April 30 during the continuation of the construction project, a statement of compliance, including but not limited to a revised estimate of the value of the contract. If any revised estimate of the final value of such project exceeds the amount for which the business license was issued, the licensee shall be required to pay a license fee at the then-prevailing rate on the excess amount.

**8.2** **NAICS 482 – Rail Transportation.** (See S.C. Code § 12-23-210).

**8.3** **NAICS 517111, 517112 and 517122 – Wired & Wireless Telecommunications Carriers.**

With respect to "retail telecommunications services" as defined in S. C. Code § 58-9-2200, the Town participates in a collections program administered by the Municipal Association of South Carolina. The Town has approved participation in the collections program by separate ordinance (the "Telecommunications Collections Ordinance"). The rates, terms, conditions, dates, penalties, appeals process, and other details of the business license applicable to retail telecommunications services are set forth in the Telecommunications Collections Ordinance.

**8.4** **NAICS 5241 and 5242 – Insurance Carriers; Agencies, Brokerages, and Other Insurance Related Activities.**

Independent agents, brokers, and their employees are subject to a business license tax based on their natural class. With respect to insurers subject to license fees and taxes under Chapter 7 of Title 38 and to brokers under Chapter 45 of Title 38, the Town participates in a collections program administered by the Municipal Association of South Carolina. The Town has approved participation in the collections program by separate ordinance (the "Insurers and Brokers Collections Ordinance"). The rates, terms, conditions, dates, penalties, appeals process, and other details of the business license applicable to insurers and brokers are set forth in the Insurers and Brokers Collections Ordinance.

**8.51** **NAICS 713120 – Amusement Arcades.** *[Amusement Machines, Coin Operated, Except Gambling]*

Music machines, juke boxes, kiddy rides, video games, pin tables with levers, and other amusement machines with or without free play feature licensed by SC Department of Revenue pursuant to S.C. Code §12-21-2720(A)(1) and (A)(2) [Type I and Type II].

For operation of all machines (not on gross income), pursuant to S.C. Code §12-21-2746:

| | |
|---|---|
| Per Machine | $ 12.50 PLUS |
| Business license | $ 12.50 |

Distributors that sell or lease machines and are not licensed by the state as an operator pursuant to §12-21-2728 are not subject to Subclass 8.51.

**8.52** **NAICS 713290 – Other Gambling Industries.** *[Amusement Machines, Coin Operated, Non-Payout]*

Amusement machines of the non-payout type or in-line pin game licensed by SC Department of Revenue pursuant to S.C. Code §12-21-2720(A)(3) [Type III].

For operation of all machines (not on gross income), pursuant to S.C. Code §12-21-2720(B):

| | |
|---|---|
| Per Machine | $ 180.00 PLUS |
| Business license | $ 12.50 |

Distributors that sell or lease machines and are not licensed by the state as an operator pursuant to §12-21-2728 are not subject to Subclass 8.52.

**8.6 NAICS Code Varies – Billiard or Pool Tables.**

A business that offers the use of billiard or pool tables shall be subject to business license taxation under its natural class for all gross income of the business excluding the gross income attributable to the billiard or pool tables. In addition, the billiard or pool tables shall require their own separate business licenses pursuant to SC Code § 12-21-2746 and shall be subject to a license tax of $5.00 per table measuring less than 3½ feet wide and 7 feet long, and $12.50 per table longer than that.

## CLASS 9 RATES

Each NAICS number designates a separate subclassification. The businesses in this section are treated as separate and individual subclasses due to provisions of state law, regulatory requirements, service burdens, tax equalization considerations, and other factors that are deemed sufficient to require individually determined rates. In accordance with state law, the Town also may provide for reasonable subclassifications for rates, described by a NAICS sector, subsector, or industry, that are based on particularized considerations as needed for economic stimulus or for the enhanced or disproportionate demands on municipal services or infrastructure.

Non-resident rates do not apply except where indicated.

**9.1 NAICS Code Varies – Temporary Vendor License**

Independent artists, writers, and performers (NAICS 711510); craftspersons (NAICS Code varies); and mobile food services (NAICS 722330); are subject to a business license tax based on their natural class; provided, however, businesses who wish to sell goods and/or perform services at a public event or activity within the Town (eg. art show, craft show, fair, festival, food truck rodeo, or similar activity) with a total duration not to exceed three (3) consecutive days may obtain a temporary vendor license from the Town. A temporary vendor license shall be valid only upon the premises of the public event or activity and shall expire immediately upon the conclusion of the event or activity. Temporary vendor licenses shall be computed as follows:

| | |
|---|---|
| Minimum on first $2,000 | $ 20.00 PLUS |
| Each additional $1,000 | $ 0.00 |

**9.2 NAICS 721199 – All Other Traveler Accommodation**

The business license tax for establishments primarily engaged in providing short-term lodging including, specifically, short-term rental units and vacation club units, but excluding hotels, motels, and bed-and-breakfast inns, shall be computed as follows:

**9.2A Standard Short-Term Rental Unit (Class A Permit); Vacation Club Unit**

| | |
|---|---|
| Minimum on first $2,000 | $ 500.00 PLUS |
| Each additional $1,000 | $ 2.95 |

**9.2B Provisional Short-Term Rental Unit (Class B Permit)**

| | |
|---|---|
| Minimum on First $2,000 | $10.00 PLUS |
| Each additional $1,000 | $2.95 |

**9.2C Temporary Short-Term Rental Unit (Class C Permit)**

| | |
|---|---|
| Minimum on First $2,000 | $150.00 PLUS |
| Each additional $1,000 | $2.95 |

A business license shall not be issued for a standard (Class A), provisional (Class B) or temporary (Class C) short-term rental unit, or vacation club unit, until the host has applied for and obtained the applicable short-term rental permit, as required by subsection 9.4 O of the Development Standards Ordinance.

## Appendix B

**Classes 1-9: Business License Class Schedule by NAICS Code**

| NAICS Sector/ Subsector | Industry Sector | Class |
|---|---|---|
| **11** | Agriculture, Forestry, Hunting and Fishing | 1 |
| **21** | Mining | ~~2~~3 |
| **22** | Utilities | 1 |
| **31-33** | Manufacturing | 3 |
| **42** | Wholesale Trade | 1 |
| **44-45** | Retail Trade | 1 |
| **48-49** | Transportation and Warehousing | ~~1~~2 |
| **51** | Information | 4 |
| **52** | Finance and Insurance | 7 |
| **53** | Real Estate and Rental and Leasing | ~~7~~6 |
| **54** | Professional, Scientific, and Technical Services | ~~5~~4 |

| | | |
|---|---|---|
| **55** | Management of Companies | 7 |
| **56** | Administrative and Support and Waste Management and Remediation Services | 3 |
| **61** | Educational Services | 3 |
| **62** | Health Care and Social Assistance | ~~4~~3 |
| **71** | Arts, Entertainment, and Recreation | 3 |
| **721** | Accommodation | 1 |
| **722** | Food Services and Drinking Places | 2 |
| **81** | Other Services | ~~4~~3 |
| | | |
| **Class 8** | **Subclasses** | |
| **23** | Construction | 8.1 |
| **482** | Rail Transportation | 8.2 |
| **517111** | Wired Telecommunications Carriers | 8.3 |
| **517112** | Wireless Telecommunications Carriers (Except Satellite) | 8.3 |
| **517122** | Agents for Wireless Telecommunications Services | 8.3 |
| **5241** | Insurance Carriers | 8.4 |
| **5242** | Insurance Brokers for Non-Admitted Insurance Carriers | 8.4 |
| **713120** | Amusement Parks and Arcades | 8.51 |
| **713290** | Nonpayout Amusement Machines | 8.52 |
| **713990** | All Other Amusement and Recreational Industries (Pool Tables) | 8.6 |
| | | |
| **Class 9** | **Subclasses** | |
| **711510** | Independent Artists, Writers, and Performers (Temporary Vendor License) | 9.1 |
| **721199** | All Other Traveler Accommodation (Short-Term Rental Unit; Vacation Club Unit) | 9.2 |
| **722330** | Mobile Food Services (Temporary Vendor License) | 9.1 |

The ~~2023~~2025 Business License Class Schedule is based on a three-year average of IRS statistical data. This appendix will be updated every odd year based on the latest available IRS statistics. The ~~2023~~2025 Business License Class Schedule may be accessed at: https://www.townofseabrookisland.org/business-licenses.html

**SECTION 2. Conflicting Ordinances Repealed.** All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed; provided that any prior ordinances related to collections programs administered by the Municipal Association of South Carolina including, without limitation, the Insurance Tax Collection Program (ITCP), the Brokers Tax Collection Program (BTCP), the Telecommunications Tax Collection Program (TTCP), and Setoff Debt Collection Program, shall remain in full force and effect in accordance with their terms, except to the extent specifically amended by the provisions of this ordinance.

**SECTION 3. Severability.** If any section, subsection, paragraph, clause, or provision of this ordinance shall be deemed to be unconstitutional, unenforceable, or otherwise invalid by the final decision of a court of competent jurisdiction, it shall be construed to have been the legislative intent of Town Council to pass said ordinance without such unconstitutional provision, and the validity of all remaining sections, subsections, paragraphs, clauses, or provisions of said ordinance shall not be affected

thereby. If said ordinance, or any provision thereof, is held by the final decision of a court of competent jurisdiction to be inapplicable to any person, group of persons, property, kind of property, circumstances or set of circumstances, such holding shall not affect the applicability thereof to any other persons, property or circumstances.

**SECTION 4. Effective Date.** This ordinance shall be effective for the Business License Year beginning May 1, 2025.

**SIGNED AND SEALED** this _____ day of _____, 2025, having been duly adopted by the Mayor and Council for the Town of Seabrook Island on the _____ day of _____, 2025.

First Reading: September 30, 2025
Public Hearing: October 28, 2025
Second Reading: October 28, 2025

**TOWN OF SEABROOK ISLAND**

_____
Bruce Kleinman, Mayor

**LEGAL REVIEW**

_____
Stafford J. McQuillin, Town Attorney

**ATTEST**

_____
Peter D. Wiggins II, Town Clerk

## Base Rates

| Class | Seabrook | Beach 5 Avg | County Avg | Awendaw | Charleston | Folly | Hollywood | Isle of Palms | James Island | Kiawah | Lincolnville | McClellanville | Meggett | Mt Pleasant | N Charleston | Ravenel | Rockville | Sullivans | Edisto |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 1 | $ 35.00 | $ 54.00 | $ 40.40 | $ 35.00 | $ 32.00 | $ 35.00 | $ 50.00 | $ 70.00 | $ 30.00 | $ 50.00 | $ 50.00 | $ 30.00 | $ 35.00 | $ 40.00 | $ 35.00 | $ 30.00 | $ 14.00 | $ 70.00 | $ 45.00 |
| 2 | $ 40.00 | $ 60.00 | $ 44.93 | $ 40.00 | $ 37.00 | $ 40.00 | $ 50.00 | $ 75.00 | $ 35.00 | $ 55.00 | $ 55.00 | $ 35.00 | $ 35.00 | $ 45.00 | $ 40.00 | $ 35.00 | $ 17.00 | $ 80.00 | $ 50.00 |
| 3 | $ 45.00 | $ 66.00 | $ 49.53 | $ 45.00 | $ 43.00 | $ 45.00 | $ 50.00 | $ 80.00 | $ 40.00 | $ 60.00 | $ 60.00 | $ 40.00 | $ 35.00 | $ 50.00 | $ 45.00 | $ 40.00 | $ 20.00 | $ 90.00 | $ 55.00 |
| 4 | $ 55.00 | $ 73.00 | $ 54.13 | $ 50.00 | $ 49.00 | $ 50.00 | $ 50.00 | $ 85.00 | $ 45.00 | $ 65.00 | $ 65.00 | $ 45.00 | $ 35.00 | $ 55.00 | $ 50.00 | $ 45.00 | $ 23.00 | $ 100.00 | $ 65.00 |
| 5 | $ 60.00 | $ 79.00 | $ 58.73 | $ 55.00 | $ 55.00 | $ 55.00 | $ 50.00 | $ 90.00 | $ 50.00 | $ 70.00 | $ 70.00 | $ 50.00 | $ 35.00 | $ 60.00 | $ 55.00 | $ 50.00 | $ 26.00 | $ 110.00 | $ 70.00 |
| 6 | $ 65.00 | $ 85.00 | $ 63.27 | $ 60.00 | $ 60.00 | $ 60.00 | $ 50.00 | $ 95.00 | $ 55.00 | $ 75.00 | $ 75.00 | $ 55.00 | $ 35.00 | $ 65.00 | $ 60.00 | $ 55.00 | $ 29.00 | $ 120.00 | $ 75.00 |
| 7 | $ 70.00 | $ 91.00 | $ 67.73 | $ 65.00 | $ 64.00 | $ 65.00 | $ 50.00 | $ 100.00 | $ 60.00 | $ 80.00 | $ 80.00 | $ 60.00 | $ 35.00 | $ 70.00 | $ 65.00 | $ 60.00 | $ 32.00 | $ 130.00 | $ 80.00 |
| 8.1 | $ 55.00 | $ 80.00 | $ 58.47 | $ 50.00 | $ 40.00 | $ 50.00 | $ 75.00 | $ 110.00 | $ 45.00 | $ 70.00 | $ 70.00 | $ 45.00 | $ 35.00 | $ 50.00 | $ 55.00 | $ 50.00 | $ 12.00 | $ 120.00 | $ 50.00 |

## Variable Rates

| Class | Seabrook | Beach 5 Avg | County Avg | Awendaw | Charleston | Folly | Hollywood | Isle of Palms | James Island | Kiawah | Lincolnville | McClellanville | Meggett | Mt Pleasant | N Charleston | Ravenel | Rockville | Sullivans | Edisto |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 1 | $ 1.45 | $ 2.06 | $ 1.60 | $ 1.20 | $ 1.55 | $ 2.00 | $ 1.00 | $ 2.00 | $ 1.15 | $ 1.95 | $ 3.00 | $ 1.15 | $ 1.10 | $ 1.54 | $ 1.45 | $ 1.05 | $ 1.05 | $ 2.75 | $ 1.60 |
| 2 | $ 1.65 | $ 2.25 | $ 1.82 | $ 1.45 | $ 1.95 | $ 2.25 | $ 1.25 | $ 2.10 | $ 1.40 | $ 2.15 | $ 3.05 | $ 1.40 | $ 1.25 | $ 1.79 | $ 1.75 | $ 1.15 | $ 1.30 | $ 3.00 | $ 1.75 |
| 3 | $ 1.85 | $ 2.48 | $ 2.04 | $ 1.70 | $ 2.35 | $ 2.50 | $ 1.50 | $ 2.20 | $ 1.65 | $ 2.35 | $ 3.10 | $ 1.65 | $ 1.50 | $ 2.04 | $ 2.05 | $ 1.25 | $ 1.55 | $ 3.25 | $ 2.10 |
| 4 | $ 2.05 | $ 2.64 | $ 2.26 | $ 1.95 | $ 2.80 | $ 2.75 | $ 1.75 | $ 2.30 | $ 1.90 | $ 2.55 | $ 3.15 | $ 1.90 | $ 1.50 | $ 2.29 | $ 2.35 | $ 1.35 | $ 1.80 | $ 3.50 | $ 2.10 |
| 5 | $ 2.25 | $ 2.85 | $ 2.46 | $ 2.20 | $ 3.15 | $ 3.00 | $ 2.00 | $ 2.40 | $ 2.15 | $ 2.75 | $ 3.20 | $ 2.15 | $ 1.50 | $ 2.54 | $ 2.65 | $ 1.45 | $ 2.05 | $ 3.75 | $ 2.35 |
| 6 | $ 2.50 | $ 3.06 | $ 2.67 | $ 2.45 | $ 3.50 | $ 3.25 | $ 2.25 | $ 2.50 | $ 2.40 | $ 2.95 | $ 3.25 | $ 2.40 | $ 1.50 | $ 2.79 | $ 2.95 | $ 1.55 | $ 2.30 | $ 4.00 | $ 2.60 |
| 7 | $ 2.70 | $ 3.32 | $ 2.86 | $ 2.45 | $ 3.90 | $ 3.50 | $ 2.50 | $ 2.60 | $ 2.65 | $ 3.15 | $ 3.30 | $ 2.65 | $ 1.50 | $ 3.04 | $ 3.25 | $ 1.65 | $ 2.55 | $ 4.25 | $ 3.10 |
| 8.1 | $ 1.80 | $ 2.50 | $ 1.89 | $ 1.50 | $ 1.65 | $ 1.50 | $ 1.10 | $ 2.35 | $ 1.50 | $ 2.40 | $ 2.85 | $ 1.50 | $ 1.50 | $ 2.11 | $ 1.60 | $ 1.25 | $ 1.10 | $ 4.50 | $ 1.75 |

## TOTAL BUSINESS LICENSE REVENUES

Current Rates vs. Alternate Rates

| | WITHOUT Declining Rates (>$1 Million) | | | WITH Declining Rate (>$1 Million) | | |
|---|---|---|---|---|---|---|
| **Rate Comparison** | **BL Due** | **$ Difference** | **% Difference** | **BL Due** | **$ Difference** | **% Difference** |
| Town of Seabrook Island | $ 900,072.15 | $ - | 0.0% | $ 845,770.85 | $ (54,301.30) | -6.0% |
| Town of Kiawah Island | $ 1,174,678.35 | $ 274,606.20 | 30.5% | $ 1,103,136.59 | $ 203,064.44 | 22.6% |
| Countywide Average | $ 959,339.95 | $ 59,267.80 | 6.6% | $ 901,586.40 | $ 1,514.25 | 0.2% |
| Countywide Average (Weighted) | $ 912,751.40 | $ 12,679.25 | 1.4% | $ 857,426.39 | $ (42,645.76) | -4.7% |
| Beach Community Average | $ 1,244,656.74 | $ 344,584.59 | 38.3% | $ 1,170,002.16 | $ 269,930.01 | 30.0% |
| Beach Community Average (Weighted) | $ 1,263,500.68 | $ 363,428.53 | 40.4% | $ 1,188,798.51 | $ 288,726.36 | 32.1% |

*Comparison based on actual data from ALL Class 1 through 8.1 businesses licensed in Seabrook Island during the 2024-25 license year*

## LICENSE AMOUNT FOR MEDIAN CLASS 8.1 BUSINESS (CONTRACTOR)

Current Rates vs. Alternate Rates

| | IN-TOWN | | | NON-RESIDENT | | |
|---|---|---|---|---|---|---|
| **Rate Comparison** | **BL Due** | **$ Difference** | **% Difference** | **BL Due** | **$ Difference** | **% Difference** |
| Town of Seabrook Island | $ 87.40 | $ - | 0.0% | $ 174.80 | $ - | 0.0% |
| Town of Kiawah Island | $ 113.20 | $ 25.80 | 29.5% | $ 226.40 | $ 51.60 | 29.5% |
| Countywide Average | $ 92.49 | $ 5.09 | 5.8% | $ 184.98 | $ 10.18 | 5.8% |
| Countywide Average (Weighted) | $ 80.41 | $ (6.99) | -8.0% | $ 160.82 | $ (13.98) | -8.0% |
| Beach Community Average | $ 125.00 | $ 37.60 | 43.0% | $ 250.00 | $ 75.20 | 43.0% |
| Beach Community Average (Weighted) | $ 133.33 | $ 45.93 | 52.6% | $ 266.66 | $ 91.86 | 52.6% |

*Comparison based on median gross income ($20,000) for Class 8.1 businesses licensed in Seabrook Island during the 2024-25 license year*

**TOWN OF SEABROOK ISLAND**

**ORDINANCE NO. 2025-07**

**ADOPTED _____**

**AN ORDINANCE AMENDING THE TOWN CODE FOR THE TOWN OF SEABROOK ISLAND SO AS TO ADOPT AND CODIFY AN ANNEXATION POLICY FOR THE TOWN OF SEABROOK ISLAND; AND AMENDING CHAPTER 2, ADMINISTRATION; ARTICLE I, IN GENERAL; SECTION 2-103, CORPORATE LIMITS; SO AS TO PROVIDE REFERENCE TO THE ANNEXATION POLICY FOR THE TOWN OF SEABROOK ISLAND**

**WHEREAS,** the General Assembly of the State of South Carolina has conferred upon municipalities the authority to annex contiguous property and to enact ordinances for the governance, regulation, and orderly growth of their jurisdictions, pursuant to S.C. Code 1976, Title 5, Chapter 3, as amended; and

**WHEREAS,** the Town's Comprehensive Plan explicitly calls for the establishment of formal policies and procedures for the consideration of annexation requests; the Town's Development Standards Ordinance makes explicit reference to topics related to annexation; and the Town Council adopted, as one of its critical strategic priorities for 2025, the development and adoption of a formal annexation policy; and

**WHEREAS,** the Mayor and Council for the Town of Seabrook Island recognize the need for a clear, predictable, and transparent annexation policy to implement the Town's Comprehensive Plan, and to ensure the orderly extension of public services, infrastructure, and land use regulations to newly annexed areas; and

**WHEREAS,** the Mayor and Council for the Town of Seabrook Island further recognize that annexation decisions are significant matters of public policy, requiring transparency, objectivity, and careful analysis to ensure that annexations are in the best interest of the Town and its residents, and to safeguard the public health, safety, and welfare;

**NOW, THEREFORE**, pursuant to the authority granted by the Constitution and the General Assembly of the State of South Carolina, **BE IT ORDAINED BY THE MAYOR AND COUNCIL FOR THE TOWN OF SEABROOK ISLAND**:

**SECTION 1. Adopting an Annexation Policy for the Town of Seabrook Island.** The Town Code for the Town of Seabrook Island, South Carolina, is hereby amended to add a new chapter, to be called Chapter 5, Annexation; which chapter shall read as follows:

## CHAPTER 5. ANNEXATION

### ARTICLE I. GENERAL PROVISIONS

**Sec. 5-1. Authority and purpose.**

(a) The town council may extend the corporate limits of the town by annexation, in accordance with the provisions set forth in S.C. Code 1976, Title 5, Chapter 3.

(b) The town council believes that having a clear, predictable, and transparent annexation policy is in the best interest of the town, and will provide useful guidance to prospective applicants, decision makers, and the public at large. The purpose of this chapter is to establish general policies, procedures, and criteria to be used in the review, consideration, and processing of all annexation requests.

**Sec. 5-2. Definitions.**

For purposes of this chapter, the following definitions shall apply, unless the context clearly indicates or requires a different meaning:

(a) *Annexation* means the legal process by which unincorporated territory is added to and made part of the corporate limits of the town.

(b) *Annexation ordinance* means the legal instrument, enacted by the governing body of the town, by which unincorporated territory is added to and made part of the corporate limits of the town.

(c) *Annexation petition* means a written request signed by all persons owning real estate in an area requesting annexation and filed with the governing body of the town.

(d) *Annexation request* means a formal submission made by an applicant to initiate the annexation process. A complete annexation request must include: 1) an annexation petition; 2) all supporting materials required by this chapter; and 3) an application for zoning map amendment.

(e) *Applicant* means any person, or group of persons, who have filed, or who intend to file, an annexation request with the governing body of the town.

(f) *Charleston County Urban Growth Boundary (UGB)* means the boundary illustrated on Map 3.1.2 (Growth Management Areas) of the Charleston County Comprehensive Plan, current edition, which divides the county into two distinct growth management areas: "Urban/Suburban" and "Rural." For purposes of this chapter, areas which are designated on Map 3.1.2 as "Urban/Suburban" are deemed to be "inside the Charleston County UGB," and areas which are designated on Map 3.1.2 as "Rural" are deemed to be "outside the Charleston County UGB."

(g) *Comprehensive cost-benefit analysis* means a detailed fiscal evaluation that projects anticipated revenues and expenditures associated with an annexation request and compares such figures to determine the net fiscal impact on the town.

(h) *Contiguity* means property which is adjacent to the corporate limits of the town and which shares a continuous border. Contiguity is not established by a road, waterway, right-of-way, easement, railroad track, marshland, or utility line which connects one property to another; however, if the connecting road, waterway, easement, railroad track, marshland, or utility line intervenes between two properties, which but for the intervening connector would be adjacent and share a continuous border, the intervening connector does not destroy contiguity.

(i) *County* means the County of Charleston, South Carolina.

(j) *DSO* means the Town of Seabrook Island Development Standards Ordinance.

(k) *Enclave* means unincorporated territory which is enclosed within and bounded on all sides by land within the corporate limits of a municipality.

(l) *One Hundred Percent (100%) Petition and Ordinance Method* means the annexation method authorized by S.C. Code 1976, § 5-3-150(3), whereby any area or property which is contiguous to a municipality may be annexed to the municipality by filing with the municipal governing body a petition signed by all persons owning real estate in the area requesting annexation. Upon the agreement of the governing body to accept the petition and annex the area, and the enactment of an ordinance declaring the area annexed to the municipality, the annexation is complete.

(m) *Person* means any individual, firm, partnership, association, organization, corporation, trust, estate, receiver, syndicate, branch of government, legal entity, or any combination, acting for himself, herself, or itself, or as the servant, employee, agent, or representative of another.

**Sec. 5-3. Statement of general policies and intent.**

(a) The town council believes that annexation is a useful tool to facilitate orderly growth, promote expansion of the municipal tax base, improve efficiency through economies of scale, and enhance local control over the use and development of adjacent properties; however, the town council also understands that annexation may result in adverse impacts, such as additional strain on public facilities and infrastructure, increased operating costs, and diminished levels of service for existing town residents. In reviewing annexation requests, the town council will evaluate the adequacy of public services and the specific costs and benefits associated with each request. It is the policy of the town to annex property only when the town and other affected agencies have adequate capacity to serve the annexed area, and when annexation is deemed to be in the best interest of the town.

(b) The town council respects the rights of individual property owners and believes that annexation should not be imposed on landowners who are uninterested in receiving municipal services. In furtherance of this policy, the town council shall not accept or consider requests for annexation unless the annexation petition is signed by all

persons owning real estate in the area requesting annexation, pursuant to the One Hundred Percent (100%) Petition and Ordinance Method of annexation.

(c) Pursuant to S.C. Code 1976, § 5-3-150(3), property may only be annexed if it is contiguous to the town limits. Accordingly, the town council will not annex property unless the property is contiguous to the corporate limits of the town.

(d) The town council acknowledges that the town has no obligation to provide municipal services, including, without limitation, water and sewer services, to properties which are located outside of its corporate limits. It is the policy of the town that municipal services shall be provided only to those properties which are located inside the corporate limits of the town; provided, in lieu of requiring annexation, the town reserves the right to enter into a contract for the provision of certain municipal services upon such terms and conditions as are mutually agreeable to both parties; and further provided, if a property is ineligible for annexation because it is not contiguous to the town limits at the time municipal services are requested, the town may elect to provide such services to the property subject to a legally enforceable and duly recorded covenant to annex the property if and when it becomes contiguous in the future.

(e) The town council recognizes the importance of orderly growth in the delivery of efficient and effective public services. Therefore, it is the policy of the town to avoid annexing property when the annexation would result in:

(1) The creation of an enclave;

(2) The creation of an unusual or irregular municipal boundary;

(3) The addition of land which is inaccessible or unduly inefficient to access from the existing town limits; and/or

(4) The creation of a lot or parcel which is substantially undevelopable under existing town zoning regulations, unless the property contains marshes, beaches, or other critical areas; a public or private right-of-way; or is otherwise necessary for the purpose of establishing contiguity.

(f) The town council believes that annexation should not be used as a means to circumvent zoning and land development regulations affecting properties in the unincorporated areas of the county. In instances when property to be annexed is located outside of the Charleston County Urban Growth Boundary (UGB), it is the policy of the town to preserve the integrity of the UGB to the extent practicable. When assigning zoning to newly annexed properties, it is the intent of town council to apply the town zoning designation which is most similar to the county zoning designation in effect at the time of annexation. Alternatively, the town council may use other available tools, such as development agreements and development conditions, to ensure that allowable uses and densities on newly annexed properties are roughly

equivalent to those allowed under the county zoning designation in effect at the time of annexation. The provisions of this paragraph shall not apply when the property to be annexed is located inside the UGB.

**Sec. 5-4. Conflicting provisions.**

In the event of a conflict between the provisions of this chapter and the requirements of state law, the requirements of state law shall prevail.

**Secs. 5-5 – 5-9. Reserved.**

**ARTICLE II. PROCEDURES**

**Sec. 5-10. In general.**

All annexation requests shall be processed in accordance with the procedures set forth in this article.

**Sec. 5.11. Pre-application meeting.**

(a) *Meeting required*. A pre-application meeting shall be required prior to filing an annexation request.

(b) *Scheduling and participation*. Requests for a pre-application meeting shall be directed to the town administrator, who shall coordinate the date, time, and location of the meeting. The pre-application meeting shall be attended by the applicant or their authorized agent(s). The town administrator may invite participants from any town department, state or county agency, utility provider, special purpose district, or other reviewing agency which may be affected by the request.

(c) *Location*. Pre-application meetings may be conducted in person, by telephone, by remote meeting technology, or by any combination thereof.

(d) *Required information***.** Prior to the pre-application meeting, the applicant shall provide the town administrator with copies of preliminary plans and other materials deemed relevant to the annexation request. While a complete application package is not required at this stage, the materials provided by the applicant should contain sufficient detail to allow town staff to perform an initial review of the annexation request in advance of the pre-application meeting.

(e) *Purpose*. The purpose of the pre-application meeting is to familiarize the applicant with the procedures, requirements, and criteria set forth in this chapter, and to familiarize town staff with the specific nature of the annexation request. During the meeting, town staff may answer questions from the applicant, provide initial comments and feedback on the pending request, and offer recommendations on possible modifications, if warranted. The pre-application meeting is for informational

purposes only and no formal decisions will be made. The pre-application meeting is not intended to prohibit or preclude additional meetings or correspondence between the applicant and town staff over the duration of the annexation process.

**Sec. 5-12. Application requirements.**

(a) *Required items*. A complete annexation request must include each of the following:

(1) An annexation petition, in accordance with the requirements set forth in subsection (b) of this section;

(2) All supporting materials, in accordance with the requirements set forth in subsection (c) of this section; and

(3) An application for zoning map amendment, in accordance with the requirements set forth in subsection (d) of this section.

(b) *Annexation petition*. Any person seeking to initiate the annexation of real property into the corporate limits of the town shall file an annexation petition with the town council.

(1) The annexation petition shall be submitted in writing on a form made available by the town for that purpose.

(2) The annexation petition must be signed by all persons owning real estate in the area requesting annexation, pursuant to the One Hundred Percent (100%) Petition and Ordinance Method of annexation.

(3) If any portion of the area requesting annexation contains marshes, beaches, or other critical areas where title is presumed to be held in trust by the state, then the annexation petition must be signed or otherwise consented to by the state agency or department having jurisdiction, unless the applicant provides suitable documentation confirming private ownership of such lands.

(c) *Supporting materials.*

(1) *Required materials*. Each annexation petition shall be accompanied by all of the supporting materials listed below:

a. A legal description of the subject property.

b. A current survey of the subject property. If any portion of the subject property contains marshes, beaches, or other critical areas, the critical line(s) illustrated on the survey must have been reviewed and certified by the South Carolina Department of Environmental Services Bureau of Coastal Management (SCDES-BCM) within the previous five (5) years.

c. A letter of intent, which shall include:

1. The applicant's reason(s) for requesting annexation into the town;

2. A description of current use(s) of the subject property;

3. A description of proposed use(s) of the subject property upon annexation, if known;

4. A description of current public service providers, including utility providers;

5. A description of public services to be provided by the town upon annexation; and

6. A narrative description of how the proposed annexation will satisfy the review criteria set forth in Sec. 5-30.

d. Copies of all documents recorded with the Charleston County Register of Deeds Office pertaining to the subject property, including, but not limited to:

1. Current deed(s) of record;

2. Current plat(s) of record;

3. Active agreements, if applicable;

4. Active covenants, conditions, and restrictions, if applicable;

5. Active easements, if applicable; and

6. Active liens, if applicable.

e. Parcel history and/or verification letter(s) from Charleston County, confirming:

1. The current zoning designation of the subject property;

2. Whether the county has actual knowledge of any non-conforming uses or structures currently located on the subject property;

3. Whether the county has actual knowledge of any active building, zoning, land development, or other code violations on the subject property; and

4. A list of all permit applications, and their status, for the subject property during the preceding (5) years.

f. A letter from the Seabrook Island Utility Commission (SIUC) confirming whether it has a legally enforceable obligation to provide utility services to the subject property. If no such obligation exists, or if any existing obligation will expire within two (2) years from the date of the letter, the letter shall instead confirm whether SIUC has sufficient system capacity to serve the property upon annexation. The letter may also include any additional information SIUC considers relevant to assist the town council in evaluating the potential impacts of the proposed annexation.

g. Non-refundable $250.00 application fee.

(2) *Exceptions*. If the entity responsible for providing the materials identified in paragraphs (1)(e) or (1)(f) of this subsection either refuses to provide them or fails to do so within a reasonable period of time, the town council may waive the requirement that such materials be submitted with the annexation request.

(d) *Application for zoning map amendment.* Each annexation petition shall be accompanied by an application for zoning map amendment. The purpose of the zoning map amendment is to amend the official zoning map of the town to assign a zoning designation to the subject property upon its annexation into the corporate limits of the town. The zoning map amendment shall be considered concurrently with the annexation petition; provided, the zoning map amendment shall be processed and considered in accordance with the provisions set forth in Article 19 of the DSO, as applicable.

(e) *Other applications.* Annexation petitions may be accompanied by the following concurrent applications, if applicable:

(1) *Concept plan/development conditions.* For proposed mixed use (MU) or planned development (PD) projects, the applicant may apply for consideration of a project-specific concept plan and/or development conditions. When requested, the proposed concept plan and/or development conditions shall be considered concurrently with the annexation petition; provided, the proposed concept plan and/or development conditions shall be processed and considered in accordance with the provisions set forth in Article 7 of the DSO, as applicable.

(2) *Development agreement.* For properties containing twenty-five (25) or more acres of high ground, the applicant may apply for consideration of a development agreement. When requested, the proposed development agreement shall be considered concurrently with the annexation petition; provided, the proposed development agreement shall be processed and considered in accordance with the provisions set forth in S.C. Code 1976, Title 6, Chapter 1, as applicable.

**Sec. 5-13. Staff review.**

(a) An annexation request is not complete until the applicant has submitted all items required pursuant to Sec. 5-12. Incomplete requests shall not be processed.

(b) Upon receipt, town staff shall review each annexation request for completeness. If town staff determines that an annexation request is incomplete, staff may:

(1) Reject the incomplete request and require the filing of a new request; or

(2) Specify those parts of the request that are missing or incomplete, indicate how such parts can be made complete, and specify a date, not to exceed ninety (90) days, by which the applicant must provide the missing or incomplete information in order for the request to be considered.

(c) If the applicant fails to provide the missing or incomplete information within the time prescribed by town staff, the annexation request shall be deemed withdrawn and the applicant must file a new request.

(d) Once an annexation request has been deemed complete, town staff, in consultation with the town attorney, shall prepare a draft annexation ordinance for town council's consideration. Town staff shall also prepare, or cause to be prepared, the required impact analysis, as provided in Sec. 5-14.

**Sec. 5-14. Impact analysis.**

(a) *Purpose*. The purpose of this section is to establish uniform standards for evaluating the fiscal impacts of proposed annexation requests to ensure that such actions are financially sustainable, consistent with the town's capacity to provide services, and in the best interest of the town.

(b) *Informal assessment*.

(1) *Annual cost to serve*. The town administrator, in consultation with the finance director and other affected departments, shall prepare a good faith estimate of the annual recurring cost to the town of providing municipal services, excluding utilities, to the subject property at full build-out. In preparing this estimate, consideration shall be given to each of the following factors:

a. The requested zoning designation;

b. Anticipated uses and densities, if known;

c. Site-specific conditions;

d. Total land area;

e. Whether additional personnel, equipment, or capital expenditures will be required to adequately serve the property;

f. Whether roads, drainage facilities, and other infrastructure will be publicly or privately owned and maintained;

g. Whether the town will assume service obligations from other governmental agencies upon annexation, or whether such services will continue to be provided independently of annexation; and

h. Any other factors deemed relevant by the town administrator.

(2) *Estimated cost per acre*. To establish the estimated cost per acre of providing municipal services, the annual cost to serve, as determined under subsection (b)(1), shall be divided by the subject property's total acres of high ground.

(3) *Findings*.

a. If the estimated cost per acre is $3,000.00 or less, the financial impact of the annexation request shall be deemed reasonably proportionate to other properties within the town and no further analysis shall be required.

b. If the estimated cost per acre is greater than $3,000.00, a comprehensive cost-benefit analysis shall be required, as provided in subsection (c).

c. Notwithstanding the foregoing, the town administrator may require a comprehensive cost-benefit analysis for any annexation request where the annual cost to serve, as determined under subsection (b)(1), is greater than $50,000.00, or in instances where the annexation request contains twenty-five (25) or more acres of high ground.

(c) *Comprehensive cost-benefit analysis*.

(1) *Preparation*. When required under subsection (b)(3), a comprehensive cost-benefit analysis shall be prepared to determine the net fiscal impact of the annexation request. The comprehensive cost-benefit analysis shall be prepared by an independent consultant retained by the town at the applicant's expense.

(2) *Scope of analysis*. The comprehensive cost-benefit analysis shall include, but not be limited to, the following:

a. A projection of revenues reasonably anticipated to be generated by the subject property, including property taxes, sales taxes, fees, permits, and other applicable sources;

b. A projection of expenditures reasonably anticipated to be incurred by the town for the provision of municipal services, including general government, public safety, public works, and other related functions;

c. An estimate of necessary capital improvements, including transportation, drainage, and other infrastructure, whether on- or off-site, required to serve the property;

d. An estimate of the fair market value of any concessions made by the applicant, such as the donation or dedication of lands for public purposes, the establishment of conservation easements, and on- or off-site capital improvements above and beyond those necessary to serve the property;

e. An evaluation of potential long-term liabilities to the town, including the assumption of existing infrastructure or service obligations;

f. A comparison of projected revenues and expenditures, expressed as both total figures and per-acre amounts; and

g. Any other factors deemed relevant by the town administrator or the independent consultant.

(3) *Findings*. The comprehensive cost-benefit analysis shall include findings-of-fact regarding the anticipated net fiscal impact of the proposed annexation, together with a recommendation as to whether the annexation is fiscally advantageous to the town.

(d) *Council consideration*. The findings of the informal assessment or comprehensive cost-benefit analysis, as applicable, shall be transmitted to the town council for consideration during its review of the annexation request. The town council may, at its discretion, assign such weight to these findings as it deems appropriate in light of other applicable criteria and the overall public interest.

**Sec. 5-15. Planning commission review.**

(a) Before an annexation request is considered by town council, the planning commission shall review and provide a recommendation on each of the following:

(1) The corresponding application for zoning map amendment;

(2) The corresponding concept plan and/or development conditions, if applicable; and

(3) The corresponding development agreement, if applicable.

(b) Other than those items expressly listed in subsection (a), the planning commission does not review or make a recommendation on the question of whether to annex property.

**Sec. 5-16. Town council action.**

(a) *Ordinance required*. Pursuant to S.C. Code 1976, § 5-3-150(3), upon acceptance of an annexation petition by town council, the property subject thereto may be declared annexed to and made part of the corporate limits of the town upon enactment of an ordinance.

(b) *Consideration*. Upon completion of the impact analysis and receipt of the planning commission's recommendations, and subject to the advertising requirements set forth in subsection (c), the town council shall place the annexation request on its agenda for the next scheduled public hearing.

(c) *Public hearing*.

(1) The town council shall advertise and hold a public hearing on each annexation ordinance prior to first reading consideration. At town council's discretion, the public hearing and first reading consideration may take place during the same meeting or at separate meetings.

(2) The public hearing for each annexation ordinance shall be held at the same date and time as the public hearing for the corresponding zoning map amendment ordinance and any other concurrent ordinances.

(3) The public hearing for each annexation ordinance shall be advertised in the same manner as the public hearing for the corresponding zoning map amendment ordinance, as provided in Sec. 19.2 E(2) of the DSO. Any notification provided pursuant to Sec. 19.2 E(2) may include notice of the public hearing on both ordinances in a single notice.

(4) Public hearings shall be conducted in accordance with the provisions set forth in Sec. 2-306(b)(1)(e), unless suspended or modified by unanimous consent of the town council members present.

(d) *Final action*.

(1) After a duly advertised public hearing has been conducted, the town council shall consider each of the items comprising the annexation request, including the annexation ordinance, the corresponding zoning map amendment ordinance, and, if applicable, any concurrent ordinances.

(2) Consideration of the annexation ordinance shall be based on the entirety of the public record, including, without limitation, the application materials submitted in

accordance with Sec. 5-12, the applicable impact analysis prepared in accordance with Sec. 5-14, the recommendations made by the Planning Commission in accordance with Sec. 5-15, and public comments received.

(3) Prior to making a decision, town council may, at its discretion, refer the annexation request, or any of its components, to a committee for the purpose of gaining additional information or seeking a resolution to any disputed facts. In such cases, town council may postpone action on the annexation request until such time as the committee has made its report or recommendations back to town council.

(4) The town council may approve or deny a proposed annexation ordinance in accordance with the criteria set forth in Sec. 5-30.

(5) No annexation ordinance shall be adopted unless the corresponding zoning map amendment ordinance is adopted simultaneously.

(6) If a proposed annexation ordinance does not receive the required two readings within twelve (12) months following the date of the public hearing, the annexation ordinance, corresponding zoning map amendment ordinance, and any concurrent ordinances, shall be deemed denied and no further action shall be taken on the annexation request.

(7) The town clerk shall deliver timely notification of the town council's decision to the applicant by certified mail.

**Sec. 5-17. Postponement.**

(a) An applicant may request to postpone consideration of an annexation request at any time prior to the advertisement of the required public hearing.

(b) A request to postpone consideration must be submitted in writing to the town clerk.

(c) A request to postpone consideration shall be for a specified period, not to exceed ninety (90) days.

(d) At the conclusion of the specified period, the annexation request shall be placed on the agenda for the next scheduled meeting, unless the request is otherwise withdrawn by the applicant, as provided in Sec. 5-18.

(e) Once the required public hearing has been advertised, consideration of an annexation request may only be postponed at the discretion of the town council.

**Sec. 5-18. Withdrawal.**

(a) An applicant may withdraw an annexation request at any time prior to second reading of the annexation ordinance.

(b) A request to withdraw an annexation request must be submitted in writing to the town clerk.

(c) An annexation request which is withdrawn by the applicant may be resubmitted, as provided in Sec. 5-19.

**Sec. 5-19. Resubmittal.**

(a) An annexation request which is resubmitted following withdrawal or denial of a previous request shall be processed as a new request and shall be subject to all the requirements and procedures set forth in this chapter, including payment of an additional application fee.

(b) An annexation request which was previously denied by town council may not be resubmitted for a period of one (1) year following the date of denial. The one (1) year waiting period shall not apply in instances when:

(1) The applicant proposes a different zoning designation than was proposed with the previous annexation request;

(2) The previous annexation request was withdrawn by the applicant prior to a final decision of town council; or

(3) The one (1) year waiting period has been waived by a majority vote of town council.

**Secs. 5-20 – 5.29. Reserved.**

**ARTICLE III. CRITERIA FOR REVIEW**

**Sec. 5-30. Criteria for Review.**

(a) *Purpose*. The purpose of this section is to establish clear and consistent standards to guide the town council when evaluating annexation requests. These standards are intended to ensure that annexations are fiscally responsible, consistent with the town's comprehensive plan, and in the best interest of the community as a whole.

(b) *Evaluation Criteria*. In considering each request for annexation, the town council shall evaluate the request in light of the following criteria:

(1) *Consistency with plans and policies*.

a. Whether the proposed annexation and corresponding zoning designation are consistent with the town's adopted comprehensive plan;

b. Whether the subject property has been designated by the town, either by resolution or as part of its adopted comprehensive plan, as a targeted area for future annexation; and

c. Whether the intended uses, if known, are consistent with the town's land use policies, zoning ordinances, and long-term growth strategies.

(2) *Fiscal impact*.

a. Whether the cost of providing municipal services to the subject property will be reasonably proportionate to other properties within the town;

b. Whether the subject property will generate sufficient revenue to offset the cost of providing municipal services; and

c. Whether the cost of extending or upgrading community infrastructure to serve the subject property will result in an undue financial burden to the town and its residents.

(3) *Service capacity*.

a. Whether the town has adequate capacity to provide municipal services to the subject property; and

b. Whether the proposed annexation will strain existing town staff, equipment, facilities, and other public resources.

(4) *Community impact*.

a. Whether the proposed annexation will support or disrupt the town's community character;

b. Whether the proposed annexation will diminish the quality of services provided to existing residents and property owners; and

c. Whether current residents, property owners, and other stakeholders support or oppose the annexation request.

(5) *Legal compliance*.

a. Whether the annexation request complies with all applicable state annexation laws, procedures, and requirements;

b. Whether the annexation request complies with all policies, procedures, and requirements set forth in this chapter; and

c. Whether there is a risk of legal challenges or disputes with neighboring jurisdictions pertaining to the proposed annexation.

(6) *Intergovernmental considerations*.

a. Whether the proposed annexation will diminish the capacity of other governmental agencies to provide public services, such as police, fire, and emergency medical services, within the town and in surrounding areas;

b. Whether the proposed annexation will adversely impact county revenues or services;

c. Whether the proposed annexation conflicts with the growth management plans or strategies of neighboring jurisdictions;

d. Whether the proposed annexation conflicts with contracts or service agreements between neighboring jurisdictions; and

e. Whether the proposed annexation will reduce enclaves or irregular boundaries that complicate efficient service delivery.

(7) *Environmental suitability*.

a. Whether the proposed annexation will adversely impact floodplains, wetlands, or other environmentally sensitive areas; and

b. Whether the proposed annexation will expand public access to beaches, waterways, or other resources.

(8) *Strategic growth and economic development*.

a. Whether the proposed annexation will expand the town's tax base and strengthen its financial stability;

b. Whether the proposed annexation will support economic development opportunities within the town; and

c. Whether the proposed annexation will prevent undesirable or incompatible land uses adjacent to the town's corporate limits.

(c) *Applicability of criteria.*

a. The criteria set forth in subsection (b) are not intended to be all inclusive. The town council may consider any other factors deemed relevant to the request.

b. The town council may disregard specific criteria which it deems inapplicable to the request.

(d) *Balancing of criteria*. No single criterion set forth in subsection (b) shall be deemed controlling. In the event of a conflict between two or more criteria, the town council shall retain the authority to determine the relative weight to be assigned to each factor and to give preference to those considerations it deems to be in the best interest of the town.

**Secs. 5-31 – 5-39. Reserved.**

**ARTICLE IV. POST-ADOPTION**

**Sec. 5-40. Effect of annexation ordinance.**

(a) Upon the effective date of any annexation ordinance, the territory subject thereto shall be deemed annexed, incorporated, and made part of the town, and shall thereafter be subject to all applicable ordinances, policies, and regulations of the town, unless otherwise provided by law.

(b) Approval of an annexation ordinance does not authorize development of the subject property. Any development which occurs after annexation may require additional approvals from the town and other review authorities, including, but not limited to, subdivision plat approval, site plan approval, zoning permits, encroachment permits, building permits, and certificates of occupancy.

**Sec. 5-41. Required notifications.**

(a) Upon adoption of any annexation ordinance, the town clerk shall provide timely notification to each the following:

(1) Berkeley Electric Cooperative;

(2) Charleston County;

(3) South Carolina Department of Public Safety;

(4) South Carolina Department of Transportation;

(5) South Carolina Revenue and Fiscal Affairs Office;

(6) South Carolina Secretary of State; and

(7) St. John's Fire District.

(b) The notifications provided pursuant to this section shall include, at a minimum:

(1) A certified copy of the annexation ordinance;

(2) A written description of the property boundaries; and

(3) A survey, plat, or boundary map which clearly defines the new territory added.

**Sec. 5-42. Challenges.**

(a) Upon adoption of an annexation ordinance, no party may contest the annexation unless the person interested therein files, within sixty (60) days after the adoption has been published or declared, with both the town clerk and the county clerk of court, a notice of their intention to contest the annexation, nor unless, within ninety (90) days from the time the adoption has been published or declared, an action is begun and the original summons and complaint filed with the county clerk of court.

(b) The provisions of this chapter are not intended to create any new substantive rights in any party.

**SECTION 2. Amending Section 2-103 of the Town Code**. The Town Code for the Town of Seabrook Island, South Carolina; Chapter 2, Administration; Article I, In General; Section 2-103, Corporate Limits; is hereby amended to read as follows:

**Sec. 2-103. Corporate Limits.**

The corporate limits of the town shall be those now and hereafter specified by law, along with any alterations which may be made from time to time as provided for by law and the policies and procedures set forth in Chapter 5 of the Town Code. A map and a description of the corporate limits shall be maintained in the office of the town clerk.

**SECTION 3. Severability.** If any section, subsection, paragraph, clause, or provision of this ordinance shall be deemed to be unconstitutional, unenforceable, or otherwise invalid by the final decision of a court of competent jurisdiction, it shall be construed to have been the legislative intent of Town Council to pass said ordinance without such unconstitutional provision, and the validity of all remaining sections, subsections, paragraphs, clauses, or provisions of said ordinance shall not be affected thereby. If said ordinance, or any provision thereof, is held by the final decision of a court of competent jurisdiction to be inapplicable to any person, group of persons, property, kind of property, circumstances or set of circumstances, such holding shall not affect the applicability thereof to any other persons, property, or circumstances.

**SECTION 4. Conflicting Ordinances Repealed.** All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

**SECTION 5. Effective Date.** This ordinance shall be effective from and after the date of adoption.

**SIGNED AND SEALED** this _____ day of _____, 2025, having been duly adopted by the Mayor and Council for the Town of Seabrook Island on the _____ day of _____, 2025.

First Reading: September 30, 2025
Public Hearing: October 28, 2025
Second Reading: October 28, 2025

**TOWN OF SEABROOK ISLAND**

_____
Bruce Kleinman, Mayor

**LEGAL REVIEW**

_____
Stafford J. McQuillin, Town Attorney

**ATTEST**

_____
Peter D. Wiggins II, Town Clerk